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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,161	09/26/2001	John Clifford Head	CELL-0145	9582

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EXAMINER	
TRUONG, TAMTHOM NGO	
ART UNIT	PAPER NUMBER
1624	5

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/964,161	HEAD ET AL.	
	Examiner	Art Unit	
	Tamthom N. Truong	1624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. *09/237,060* .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

This is a continuation of 09/237,060 filed on 01/26/99, now U.S. Patent 6,329,372.

Claims 1-14 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following reasons apply:

a. In claim 1, it is unclear whether or not the scope of L^2 and L^3 is the same as that of L^1. While all three variables represent a linker atom or a group, the specification only provides specific atoms and functional groups for L^1, and not for L^2 and L^3. Thus, it is unclear if L^2 and L^3 assume the same atoms and functional groups that are meant for L^1.

b. Claim 5 is incomplete for not reciting a variable in the limitation of "and is an integer 1".

c. Claims 9 and 10 define "$-(Alk^1)_r(L^1)_s$" together as one moiety. It is unclear what value is meant for "r".

d. Claim 11 recites the phrase "generally and particularly defined above", which is unclear as to which claims said phrase refers to.

e. Claim 13 recites the first compound twice.

f. Claims 2-12, and 14 are also rejected as being dependent on claim 1, and carry over its limitations, particularly, L^2 and L^3.

Double Patenting

The **nonstatutory double patenting** rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-9, 11, 12 and 14 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6, 8, and 15 of U.S. Patent No. 6,329,372. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following overlapping subject matter:

Compounds of formula (I) with the following substituents:

i. R is a carboxylic acid;

ii. R^1 is an aromatic or heteroaromatic group (e.g. phenyl, or pyridyl);

iii. Alk^1 is an optionally substituted aliphatic chain;

iv. L^1 is a linker atom or group; or $(Alk^1)_r(L^1)_s$ is $-CH_2O-$;

v. r and s, each is 0 or 1;

vi. R^a and R^b, each is an atom or a group of $-L^2(CH_2)_pL^3(R^c)_q-$, in which L^2 and L^3, each is a covalent bond, and R^c is hydrogen or halogen ...;

vii. Alk^2 is a straight or branched alkylene chain;

viii. R^2 is hydrogen atom or a methyl group;

ix. R^3 is a hydrogen atom or a straight or branched alkyl group;

x. p is 0 or 1; q is 1, 2, or 3, and m is 0 or 1.

xi. Het is an optionally substituted heteroaromatic group (e.g., pyrrolyl or pyridyl).

The formula I in claim 1 of US'372 differs from the one recited in the instant claim 1 by having a narrower scope of R^1, L^1, and Het. However, species in dependent claims of US'372 certainly fall within the genus of formula (I) claimed herein. Thus, it would have been obvious to select compounds of formula (I) with the above substituents.

The pharmaceutical composition of claim 14 is also obvious over claim 8 of US'372 for reasons set forth above.

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A **statutory type** (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

3. Claim13 is rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 7 of prior U.S. Patent No. 6,329,372. This is a double patenting rejection. Same species are claimed in both instances.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-8, 11, 12, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by **Sircar et. al.** (US 6,521,666). Note, the reference claims priority to a provisional application filed on 01-20-1998, which antedates the foreign priority of the instant application. On column 56, Sircar et. al. disclose several compounds (e.g., compounds of Examples #90, 92, 93, etc.) that are embraced by the instant formula (1) with the following substituents:

xii. R is a carboxylic acid;

xiii. R^1 is a aromatic group (in particular, a phenyl group);

xiv. r = 0, and so, Alk^1 does not exist;

xv. s = 0, and so, L^1 does not exist (that is, R^1 is directly attached to the phenyl ring having R^a and R^b);

xvi. R^a, and R^b are hydrogen (that is, L^2 and L^3 are covalent bonds; p = 0; R^c is hydrogen, and q = 1);

xvii. Alk^2 is an alkylene (i.e., $-CH_2-$) while m = 1;

xviii. R^2 and R^3 both represent hydrogen atoms;

xix. Het is an optionally substituted heteroaromatic group.

The disclosed compounds are also encompassed by the instant formula (1a) {recited in claims 11 and 12} with the following substituents:

xx. W is –CH=; R is a carboxylic acid;

xxi. r = 0, and so, Alk^1 does not exist;

xxii. s = 0, and so, L^1 does not exist (that is, R^1 is directly attached to the phenyl ring having R^a and R^b);

xxiii. R^a, and R^b are hydrogen (that is, L^2 and L^3 are covalent bonds; p = 0; R^c is hydrogen, and q = 1);

xxiv. R^9, and R^{10} are hydrogen (that is, L^2 and L^3 are covalent bonds; p = 0; R^c is hydrogen, and q = 1);

xxv.

xxvi. Alk^2 is an alkylene (i.e., $-CH_2-$) while m = 1;

xxvii. R^2 and R^3 both represent hydrogen atoms;

xxviii. Het is an optionally substituted heteroaromatic group (specifically, a pyridyl group).

On column 19, Sircar et. al. also teach pharmaceutical formulations for said compounds. Therefore, the composition recited in claim 14 is also anticipated.

5. Claims 1-12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by **Chen et. al.** (US 6,229,011 – cited on IDS). Note, the reference claims priority to a provisional application filed on 08-22-97, which antedates the foreign priority of the instant application. On column 63, and on column 135, Chen et. al. disclose several compounds (e.g., compounds of Examples #41, 42, and 156-159)that are embraced by the instant formula (1) and (1a) with the following substituents:

i. R is a carboxylic acid;

ii. R^1 is a aromatic group (in particular, a phenyl group) or heteroaromatic group; or W is –CH=;

iii. $(Alk^1)_r(L^1)_s$ represents $-CON(R^4)$, or –CONH- group;

iv. R^a, and R^b are hydrogen (that is, L^2 and L^3 are covalent bonds; p = 0; R^c is hydrogen, and q = 1);

v. R^9, and R^{10} are hydrogen (that is, L^2 and L^3 are covalent bonds; p = 0; R^c is hydrogen, and q = 1);

vi. Alk^2 is an alkylene (i.e., $-CH_2-$) while m = 1;

vii. R^2 and R^3 both represent hydrogen atoms;

viii. Het is an optionally substituted heteroaromatic group.

On column 13, Chen et. al. also teach pharmaceutical formulations for said compounds. Therefore, the composition recited in claim 14 is also anticipated.

6. Claims 1, 2, 4-6, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by **Boigegrain et. al.** (US 5,744,491). The reference discloses several compounds that are embraced by the instant formula (1) with the following substituents (e.g. see compounds # 42-49 in Table 2; compounds #58, 59 in Table 3; compound #110 in Table 7; compounds #138, 141 in Table 11):

i. R is a carboxylic acid or derivative thereof;

ii. R^1 is hydrogen;

iii. r = 0, and so, Alk^1 does not exist;

iv. s = 0, and so, L^1 does not exist (that is, R^1 is directly attached to the phenyl ring having R^a and R^b);

v. R^a, and R^b are hydrogen (that is, L^2 and L^3 are covalent bonds; p = 0; R^c is hydrogen, and q = 1);

vi. Alk^2 is an alkylene (i.e., $-CH_2-$) while m = 1;

vii. R^2 and R^3 both represent hydrogen atoms;

xxix. Het is an optionally substituted heteroaromatic group.

On column 10, Boigegrain et. al. also discloses pharmaceutical compositions for said compounds. Thus, the pharmaceutical composition in claim 14 is also embraced by the same teaching.

7. Claims 1-3, 5, 6, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by **Ukita et. al.** (US 5,962,730). On column 50, the reference disclose an intermediate of *N-(2-bromoisonicotinoyl)-3-(3,4-dimethoxyphenyl)-L-alanine ethyl ester* (see the compound on column 50, line 60), which is embraced by the instant formula (1) with the following substituents:

i. R is a carboxylic acid derivative (i.e., ethyl ester);

ii. R^1 is hydrogen;

iii. $(Alk^1)_r(L^1)s$ is $-CH_2O-$;

iv. One of R^a and R^b are hydrogen, and the other is $-CH_3O-$ (that is, L^2 and L^3 are covalent bonds; p = 1; R^c is hydrogen or $-OR^d$ (with R^d as an alkyl group) , and q = 1);

vii. Alk^2 is an alkylene (i.e., $-CH_2-$) while m = 1;

viii. R^2 and R^3 both represent hydrogen atoms;

ix. Het is an optionally substituted heteroaromatic group.

Since Ukita et. al. does not relate a pharmacological activity to said compounds, the pharmaceutical composition recited in the instant claim 14 is not anticipated by US'730.

8. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by **Hayes et. al.** (US 6,262,269). On columns 47 and 48, Table 2 lists compounds #145 and 156 which are 'nitro'-intermediates that can be converted to 'amino'-intermediates (see Figure 5), and thus are inherently embraced by the instant formula (1) with the following substituents:

i. R is a carboxylic acid;

ii. R^1 is hydrogen;

iii. r = 0, and so, Alk^1 does not exist;

iv. s = 1, and so, L^1 is a linking group of –NH-;

v. R^a, and R^b are hydrogen (that is, L^2 and L^3 are covalent bonds; p = 0; R^c is hydrogen, and q = 1);

vi. Alk^2 is an alkylene (i.e., $-CH_2-$) while m = 1;

vii. R^2 and R^3 both represent hydrogen atoms;

viii. Het is an optionally substituted heteroaromatic group (i.e., pyridyl, or pyrazinyl).

Although Hayes et. al. does not disclose the 'amino'-intermediates, they disclose species of the next intermediates which are substituted tetrahydroquinoline. Thus, in view of Figure 5, it would be inherent to the skilled chemist to obtain the 'amino'-intermediates. Note, the reference

claims priority to a provisional application filed on 2-4-97, which antedates the foreign priority date the instant application.

9. Claims 1-3, 5, 9 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by **Alig et. al.** (US 5,973,188). On columns 9 and 10, Alig et. al. lists several compounds (e.g., compound on line 54 of column 10, and see CAS printout). Said compounds are embraced by the instant formula (1) with the following substituents:

i. R is a carboxylic acid derivative (i.e., a cyclic amide of piperidinyl-propionyl);

ii. R^1 is hydrogen;

iii. r = 0, and so, Alk^1 does not exist;

iv. s = 1, and L^1 is a linking group of $-CH_2O-$; or $(Alk^1)_r(L^1)_s$ is $-CH_2O-$;

v. R^a, and R^b are hydrogen (that is, L^2 and L^3 are covalent bonds; p = 0; R^c is hydrogen, and q = 1);

vi. Alk^2 is an alkylene (i.e., $-CH_2-$) while m = 1;

vii. R^2 and R^3 both represent hydrogen atoms;

viii. Het is an optionally substituted heteroaromatic group.

Alig et. al. also teach pharmaceutical composition on column 18, thus the pharmaceutical omposition recited in claim 14 is also anticipated.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by **Keiichi et. al.** (Chemical Abstract, Vol. 126, Abs #317650, 1997). The disclosed compound of *L-phenylalanine, N-(2-pyridinylcarbonyl-), methyl ester* is embraced by the instant formula (1) with the following substituents:

i. R is a carboxylic acid derivative (i.e., methyl-ester);

ii. R^1 is hydrogen;

iii. r = 0, and so, Alk^1 does not exist;

iv. s = 0, and so, L^1 does not exist (that is, R^1 is directly attached to the phenyl ring having R^a and R^b);

v. R^a, and R^b are hydrogen (that is, L^2 and L^3 are covalent bonds; p = 0; R^c is hydrogen, and q = 1);

vi. Alk^2 is an alkylene (i.e., $-CH_2-$) while m = 1; or m = 0, and Alk^2 does not exist

vii. R^2 and R^3 both represent hydrogen atoms;

viii. Het is an optionally substituted heteroaromatic group.

11. Claims 1, 2, 5, 6, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by **Sartori et. al.** (Eur. J. Med. Chem., (1994), Vol. 29, pp. 431-439). On page 436, compound of Example 5 is embraced by the instant formula (1) with the following substituents:

i. R is a carboxylic acid derivative;

ii. R^1 is hydrogen;

iii. r = 0, and so, Alk^1 does not exist;

iv. s = 0, and so, L^1 does not exist (that is, R^1 is directly attached to the phenyl ring having R^a and R^b);

v. R^a, and R^b are hydrogen (that is, L^2 and L^3 are covalent bonds; p = 0; R^c is hydrogen, and q = 1);

vi. Alk^2 is an alkylene (i.e., $-CH_2-$) while m = 1;

vii. R^2 and R^3 both represent hydrogen atoms;

viii. Het is an optionally substituted heteroaromatic group (i.e., imidazolyl group).

Because the disclosed compound has analgesic activity, its pharmaceutical composition is inherently embraced by the instant claim 14.

12. Claims 1-4, and 6 are rejected under 35 U.S.C. 102(b) as being inherently anticipated by **Hiromichi et. al.** (JP 04-145078 and its English abstract). On page 608, the reference discloses an intermediate of the formula (V) that has the variable "R_3". Said variable represents heteroaryl groups as listed for the final compounds of formula (I) on page 607. Thus, the intermediates of formula (V) are inherently embraced by the instant formula (I) with the following substituents:

i. R is a carboxylic acid;

ii. R^1 is hydrogen;

iii. r = 0, and so, Alk^1 does not exist;

iv. s = 0, and so, L^1 does not exist (that is, R^1 is directly attached to the phenyl ring having R^a and R^b);

v. R^a, and R^b are hydrogen (that is, L^2 and L^3 are covalent bonds; p = 0; R^c is hydrogen, and q = 1);

vi. m = 0, and Alk^2 does not exist;

vii. R^2 and R^3 both represent hydrogen atoms;

viii. Het is an optionally substituted heteroaromatic group (i.e, pyridyl, furanyl, thienyl).

13. Claims 1-3, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by **Anderson et. al.** (US 5,561,101 and US 5,506,192). In Table E (columns 81 & 82 of US'101), Anderson et. al. lists compound # 209 which is embraced by the instant formula (1) with the following substituents:

i. R is a carboxylic acid derivative;

ii. R^1 is hydrogen;

iii. r = 0, and so, Alk^1 does not exist;

iv. s = 0, and so, L^1 does not exist (that is, R^1 is directly attached to the phenyl ring having R^a and R^b);

v. R^a, and R^b are hydrogen (that is, L^2 and L^3 are covalent bonds; p = 0; R^c is hydrogen, and q = 1);

vi. m = 0, and Alk^2 does not exist;

vii. R^2 and R^3 both represent hydrogen atoms;

viii. Het is an optionally substituted heteroaromatic group.

The disclosed compounds are used as herbicides, and thus, the reference does not read on the pharmaceutical composition of claim 14.

14. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by **Reitz et. al.** (WO 91/01724). On page 31, Reitz et. al. discloses an intermediate on line 2 (see also CAS printout) which is embraced by the instant formula (1) with the following substituents:

i. R is a carboxylic acid;

ii. R^1 is hydrogen;

iii. r = 0, and so, Alk^1 does not exist;

iv. s = 1, and so, L^1 is a linking group of –O-;

v. One of R^a, and R^b are hydrogen, and the other is –OH (that is, L^2 and L^3 are covalent bonds; p = 0; R^c is hydrogen or $-OR^d$ (with R^d as hydrogen), and q = 1);

vi. Alk^2 is an alkylene (i.e., $-CH_2-$) while m = 1; or m = 0, and Alk^2 does not exist;

vii. R^2 and R^3 both represent hydrogen atoms;

viii. Het is an optionally substituted heteroaromatic group.

The disclosed compound is used as an intermediate, and therefore, said teaching does not read on the pharmaceutical composition recited in the instant claim 14.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

15. Claims 1, 2, 5, 6, and 14 are rejected under 35 U.S.C. 102(a) as being anticipated by **Takenori et. al.** (JP 10-017564 and its English abstract). On column 22 (page 12), the table lists compound #29 which is embraced by the instant formula (I) with the following substituents:

i. R is a carboxylic acid derivative (i.e., C(=O)NH-);

ii. R^1 is hydrogen;

iii. r = 0, and so, Alk^1 does not exist;

iv. s = 0, and so, L^1 does not exist (that is, R^1 is directly attached to the phenyl ring having R^a and R^b);

v. R^a, and R^b are hydrogen (that is, L^2 and L^3 are covalent bonds; p = 0; R^c is hydrogen, and q = 1);

vi. Alk^2 is an alkylene (i.e., $-CH_2-$) while m = 1;

vii. R^2 and R^3 both represent hydrogen atoms;

viii. Het is an optionally substituted heteroaromatic group (i.e., substituted thienyl group).

The disclosed compound has psychopharmaceutical activity, and thus, its pharmaceutical composition is embraced by the instant claim 14.

Information Disclosure Statement

The IDS of 10-11-01 is partially considered to the extent of US patents, foreign and WO patents. Cited journal articles cannot be located in parent case. Thus, applicant is respectfully requested to submit copies of said articles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamthom N. Truong whose telephone number is 703-305-4485. The examiner can normally be reached on M-F (9:30-5:00) & every Saturday morning (starting from 4-7-03).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mukund Shah can be reached on 703-308-4716. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4556 for regular communications and 703-308-4556 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

Tamthom N. Truong
Examiner
Art Unit 1624

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April 19, 2003